IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	R. Russell Stever et al.
Appl. No.	:	Unknown
Filed	:	Unknown
For	:	STORMWATER TREATMENT APPARATUS
Examiner	:	Unknown
Group Art Unit	:	Unknown

PRELIMINARY AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Preliminary to examination on the merits, Applicant respectfully submits the following amendments and comments in connection with the above-captioned application.

IN THE CLAIMS:

Please cancel Claims 1-43, without prejudice or disclaimer.

44. (Original) A moveable orifice for a stormwater treatment system, the moveable orifice comprising:

an orifice for receiving water from a receptacle;

a flotation collar, the flotation collar coupled to the orifice;

an action arm including a swing joint, the action arm pivoting the orifice within the receptacle; and,

wherein the orifice is in communication with an outlet of the receptacle.

45. (Original) The apparatus of claim 44, wherein the moveable orifice is composed of hydrophilic material and non-corrosive fasteners.

46. (Original) A moveable orifice for a stormwater treatment system, the movable orifice comprising:

an orifice for receiving water from a receptacle;

a flotation collar, the flotation collar coupled to the orifice;

wherein the orifice is in fluid communication with an outlet of the receptacle.

47. (Original) The apparatus of Claim 46, further comprising an action arm pivotable about a swing joint, within the receptacle.

48. (Original) The apparatus of Claim 47, wherein the swing joint is a non-mechanical swing joint.

49. (Original) The apparatus of Claim 46, wherein the flotation collar is adjustably coupled to the orifice to permit vertical adjustment of the height of the orifice relative to the water level in the receptacle.

50. (Original) The apparatus of Claim 46, further comprising an action arm, the action arm pivoted on a swing joint and providing fluid communication between the orifice and the outlet of the receptacle.

51. (Original) The apparatus of Claim 50, wherein the swing joint is a non-mechanical swing joint.

52. (Original) A method for controlling the time for outflow of stormwater from a stormwater mitigation system, comprising:

controlling a discharge rate from the stormwater mitigation system through a dynamic flow control orifice, the orifice in fluid communication with an outlet from the stormwater mitigation system;

controlling the position of the orifice relative to the volume in the stormwater mitigation system through a buoyant flotation collar around the orifice;

protecting the orifice from neutrally buoyant materials in the stormwater mitigation system through a screen over the orifice; and,

maintaining a position of the orifice in the apparatus via gravity and buoyancy of the orifice and flotation collar.

53. (Original) The method of Claim 52, further comprising protecting the orifice from neutrally buoyant materials in the stormwater mitigation system through a screen over the orifice.

54. (Original) The method of Claim 52, wherein additionally the step of controlling the position of the orifice includes adjusting the height of the orifice relative to the water surface by adjusting the vertical distance between the orifice and the flotation collar.

55. (Original) The method of Claim 52, further comprising coupling the orifice to the outlet of the receptacle via an action arm pivoted on a swing joint, the action arm permitting the orifice to move with the water level.

56. (Original) The method of Claim 55, wherein said coupling step is performed using a non-mechanical swing joint.